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EXAMINER

BAYARD, DJENANE M

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,811

Applicant(s)

SMITH ET AL.

Examiner

Djenane M. Bayard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 13-20, 24-37 and 43-46 is/are rejected.
- 7) ☒ Claim(s) 8-12, 18, 21-23 and 38-42 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This is in response to amendment filed on 3/17/05 in which claims 1-46 are pending.

Response to Arguments

2. Applicant's arguments with respect to claims 1-7, 14-17, 20, 24-26, 28-31, 34-37, 40 and 43-46 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, Applicant argues that Martone et al does not make for Lewis deficiencies. However, Martone clearly teaches a system that includes a set of objects that can be used to process and view real-time market data and assist financial planning. Additional, preferred objects may be used to perform market research and monitor and assist in investor-mediated financial activities. The stability, functionality, easy usability and flexibility of the integrated system of the invention provide timely, proactive advice and counsel, thereby furthering investor goals. That is to say, different users are accorded different entitlement levels and as such, access to specific objects residential in the system (See page 3, paragraphs [0065] and [0072]).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-7, 14-17, 20, 24-26, 28-31, 34-37, 40, 43-46 are rejected under 35 U.S.C.

103(a) as being unpatentable over U.S. Patent No. 6,513,019 to Lewis in view of U.S. Patent No. 6708166 to Dysart et al further in view of U.S. Patent Application No. 2005/0004978 to Reed et al and further in view of U.S. Patent Application No 2002/0138389 to Martone et al.

1. As per claim 1, Lewis teaches a method for delivering data objects containing data subject to periodic updates to a plurality of clients via a data communication network, the method comprising the steps of: connecting to at least one input data stream, each input data stream carrying a respective type of data objects (See col. 4, lines 55-59); establishing a communication session with at least one client, receiving on a particular input data stream a current state for a specific data object (See col. 8, lines 65-67 and col. 9, lines 1-5).; However, Lewis fails to teach wherein and each object comprising a key which uniquely identifies the respective data object's type; updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream and wherein each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams;

Dysart et al teaches a method and apparatus for storing data as object, constructing customized data retrieval and data processing requests and performing householding queries. Furthermore, Dysart et al teaches wherein data object header information may include the type and length of various record data fields, the date that each record was created, the key field that

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identifies each individual record, the record file type and other information about the raw data contained in the data object (See col. 9, lines 6-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate and each object comprising a key which uniquely identifies the respective data object's type as taught by Dysart et al in the claimed invention of Lewis in order to identify and describe the data contained in the data portion of the data object (See col. 9, lines 1-5). However, Lewis in view of Dysart et al failed to teach updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream.

Reed et al teaches an object-based online transaction infrastructure. Furthermore, Reed et al a version monitoring rule contained in the service object can be triggered. The version monitoring rule compares the service object version value stored in the link element of the calling communications object with the version value of the service object. If the version value in the link element is greater than the version value of the service object, the update method of the service object is executed and the service object is updated prior to completion of the original service object method call (See paragraph [0425]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream as taught by Reed et al in the claimed invention of Lewis in view of Dysart et al in order to maintain a current version (See paragraph [0425]). However, Lewis in view of Dysart further in view of Reed et al

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failed to teach each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams;

Martone et al teaches a browser interface and network based financial service system. Furthermore, Martone et al teaches an authentication system that also provides access to a user entitlement level containing a list of objects according to user entitlement. That is to say, different users are accorded different entitlement levels and as such, access to specific objects resident in system 10. Most preferably, a separate user entitlement level associates a user with specific market data. The authentication system also contains a move/add/change (MAC) function that updates the security function with new or changed user information. The MAC function is a single entry point to fully add or remove a user from all required security or distributed systems that support platform functionality. In addition, the authentication system accesses a user customized preference profile resident on the host server. The user preference profile allows a user to customize his or her browser interface and object settings, such as market data function preferences (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams; as taught respectively by Martone et al in the claimed invention of Lewis in view of Dysart et al further in view of Martone et al in order to track information that has been presented to clients (See page 1, paragraph [0012], Martone et al).

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2. As per claim 17, Lewis teaches a system for delivering data objects containing data subject to periodic updates to a plurality of clients via a data communication network, the system comprising: a client session manager; at least one object state manager having an associated object pool cache; and at least one client session; each object state manager being configured to: connect to at least one input data stream, each input data stream carrying information related to a respective type of data objects; receive on the input data streams changes to states of data objects (See col. 4, lines 50-67); upon receipt of a state change for a specific data object on a particular data stream, and generate an object event directed to client sessions for clients subscribed to the particular data stream indicating a state change has occurred with regard to the specific data object (See col. 5, lines 26-36)t; However, Lewis fails to teach wherein the client session manager being configured to: receive initial access communications from a client; load a client profile associated with the client and comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams and each client session being configured to: in response to the receipt of an object event, evaluate the object rules associated with the particular input data stream from the respective client profile against the specific data object change noticed by the object event, and transmitting the current state of the specific data object to the respective client in response to a positive evaluation and to update the associated object pool cache to reflect the changed current state of the specific data object

Dysart et al teaches a method and apparatus for storing data as object, constructing customized data retrieval and data processing requests and performing householding queries. Furthermore, Dysart et al teaches wherein data object header information may include the type and length of various record data fields, the date that each record was created, the key field that

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identifies each individual record, the record file type and other information about the raw data contained in the data object (See col. 9, lines 6-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate and each object comprising a key which uniquely identifies the respective data object's type as taught by Dysart et al in the claimed invention of Lewis in order to identify and describe the data contained in the data portion of the data object (See col. 9, lines 1-5). However, Lewis in view of Dysart et al failed to teach updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream.

Reed et al teaches an object-based online transaction infrastructure. Furthermore, Reed et al a version monitoring rule contained in the service object can be triggered. The version monitoring rule compares the service object version value stored in the link element of the calling communications object with the version value of the service object. If the version value in the link element is greater than the version value of the service object, the update method of the service object is executed and the service object is updated prior to completion of the original service object method call (See paragraph [0425]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream as taught by Reed et al in the claimed invention of Lewis in view of Dysart et al in order to maintain a current version (See paragraph [0425]). However, Lewis in view of Dysart further in view of Reed et al

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failed to teach each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams;

Martone et al teaches a browser interface and network based financial service system. Furthermore, Martone et al teaches an authentication system that also provides access to a user entitlement level containing a list of objects according to user entitlement. That is to say, different users are accorded different entitlement levels and as such, access to specific objects resident in system 10. Most preferably, a separate user entitlement level associates a user with specific market data. The authentication system also contains a move/add/change (MAC) function that updates the security function with new or changed user information. The MAC function is a single entry point to fully add or remove a user from all required security or distributed systems that support platform functionality. In addition, the authentication system accesses a user customized preference profile resident on the host server. The user preference profile allows a user to customize his or her browser interface and object settings, such as market data function preferences (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams; as taught respectively by Martone et al in the claimed invention of Lewis in view of Dysart et al further in view of Martone et al in order to track information that has been presented to clients (See page 1, paragraph [0012], Martone et al).

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3. As per claim 37, Lewis teaches a system for processing information related to financial product offerings and delivering real-time offer updates to a plurality of clients via a data communication network, the information being included in data objects carried on at least one input data stream and representing changes in state of particular product offerings, the data streams being transmitted by at least one information manager having a respective offer pool containing current states of the product offerings, the system comprising: at least one object state manager, each object state manager connected to a respective data input stream, comprising an associated object cache and subscriber data indicating subscribers to the respective data input stream (See col. 4, lines 50-67), and configured to: receive a data object on the connected input data stream related to a specific product offering, generate an object event directed to subscribers of the respective data input stream indicating the state change for the specific product offering in accordance with the subscriber data (See col. 16, lines 27-38); a plurality of client session modules, each client session module being in communication with a respective client and configured to: receive object events generated by object state managers connected to an input data stream to which the respective client has subscribed, upon receiving an object event, evaluate client object rules against the object event, the object rules selected in accordance with the particular data stream associated with the object event (See col. 7, lines 1-25 and col. 10, lines 20-25), and generate a state event from the object event indicating the changed state of the specific data object to the respective client in response to a positive evaluation (See col. 8, lines 50-67); a plurality of delivery managers, each delivery manager being associated with a respective client session module and configured to: receive state events generated by the associated client session module, and send client events derived from the received state events to

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the respective client (See col. Col. 7, lines 19-30 and col. 10, lines 43-54). However, Lewis fails to teach a client session manager having access to a plurality of client profiles, each client profile containing data stream subscription information and related client object rules, the client manager configured to: receive an initial communication from a new client; associate the new client with a new client session module; retrieve the client profile associated with the new client; identify a set of data stream subscriptions indicated in the client profile; and add the new client session module to the subscription data for each object state manager connected to an input data stream to which the new client is subscribed and to update the state of the specific product offering in associated object pool cache in accordance with the state changed indicated in the received data object,

Dysart et al teaches a method and apparatus for storing data as object, constructing customized data retrieval and data processing requests and performing householding queries. Furthermore, Dysart et al teaches wherein data object header information may include the type and length of various record data fields, the date that each record was created, the key field that identifies each individual record, the record file type and other information about the raw data contained in the data object (See col. 9, lines 6-10).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate and each object comprising a key which uniquely identifies the respective data object's type as taught by Dysart et al in the claimed invention of Lewis in order to identify and describe the data contained in the data portion of the data object (See col. 9, lines 1-5). However, Lewis in view of Dysart et al failed to teach updating an object pool cache to

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reflect the current state of the specific data object for each respective client subscribed to the particular input data stream.

Reed et al teaches an object-based online transaction infrastructure. Furthermore, Reed et al a version monitoring rule contained in the service object can be triggered. The version monitoring rule compares the service object version value stored in the link element of the calling communications object with the version value of the service object. If the version value in the link element is greater than the version value of the service object, the update method of the service object is executed and the service object is updated prior to completion of the original service object method call (See paragraph [0425]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate updating an object pool cache to reflect the current state of the specific data object for each respective client subscribed to the particular input data stream as taught by Reed et al in the claimed invention of Lewis in view of Dysart et al in order to maintain a current version (See paragraph [0425]). However, Lewis in view of Dysart further in view of Reed et al failed to teach each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams;

Martone et al teaches a browser interface and network based financial service system. Furthermore, Martone et al teaches an authentication system that also provides access to a user entitlement level containing a list of objects according to user entitlement. That is to say, different users are accorded different entitlement levels and as such, access to specific objects resident in system 10. Most preferably, a separate user entitlement level associates a user with specific market data. The authentication system also contains a move/add/change (MAC)

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function that updates the security function with new or changed user information. The MAC function is a single entry point to fully add or remove a user from all required security or distributed systems that support platform functionality. In addition, the authentication system accesses a user customized preference profile resident on the host server. The user preference profile allows a user to customize his or her browser interface and object settings, such as market data function preferences (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate each client having an associated profile comprising data indicating data stream subscriptions and at least one object rule associated with the subscribed data streams; as taught respectively by Martone et al in the claimed invention of Lewis in view of Dysart et al further in view of Martone et al in order to track information that has been presented to clients (See page 1, paragraph [0012], Martone et al).

4. As per claims 2 and 29, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the data objects carried on the input data streams comprise differential data objects (See col. 8, lines 49-55).

5. As per claim 3, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches after connecting to the at least one data stream, initializing the object pool cache with an initial state of data objects carried on the connected at least one data stream (See Col.8, lines 60-67).

6. As per claims 4 and 31, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed fails to teach wherein after a communication session is established with a particular client, delivering to the particular client a snapshot of the data objects in the object pool cache associated with the data stream subscriptions in the profile associated with the particular client.

Martone et al teaches a browser interface and network based financial service system. Furthermore, Martone et al teaches wherein after a communication session is established with a particular client, delivering to the particular client a snapshot of the data objects in the object pool cache associated with the data stream subscriptions in the profile associated with the particular client (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was done to incorporate wherein after a communication session is established with a particular client, delivering to the particular client a snapshot of the data objects in the object pool cache associated with the data stream subscriptions in the profile associated with the particular client as taught by Martone et al in the claimed invention Lewis in order to track what information has been presented to clients (See page 1, paragraph [0012]).

7. As per claims 5 and 32, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed fails to teach wherein in response to detecting that a

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particular client in a communication session has subscribed to a new input data stream not in a set of connected input data streams, connecting to the new input data stream.

Martone et al teaches wherein in response to detecting that a particular client in a communication session has subscribed to a new input data stream not in a set of connected input data streams, connecting to the new input data stream (See page 5, paragraph [0096-0097]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate in response to detecting that a particular client in a communication session has subscribed to a new input data stream not in a set of connected input data streams, connecting to the new input data stream as taught by Martone et al in the claimed invention of Lewis in order to track what information has been presented to clients (See page 1, paragraph [0012]).

8. As per claim 6, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches initializing the object pool cache with an initial state of data objects carried on the new input data stream; and delivering to the particular client a snapshot of the data objects in the object pool cache associated with the new data stream (See col.8, lines 59-67).

9. As per claim 7, Lewis et al in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the step of transmitting the current state of the specific data object to the respective client comprises the steps of transmitting a client event related to the current state of

the specific data object (See col. 15, lines 60-67).

10. As per claim 14, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the step of monitoring the performance of communication with each connected client comprises determining network transmission time and a client processing time for received client events (See col. 6, lines 30-55).

11. As per claim 15, Lewis et al in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the data objects comprise information related to financial product offerings (See col. 4, lines 54-59).

12. As per claim 16, Lewis et al in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the input data streams are broadcast by at least one information manager, each information manager maintaining a respective object storage pool; the method further comprising the steps of: retrieving an initial state of data objects carried on the connected at least one data stream from the object storage pool associated with the information manager broadcasting the data stream; and initializing the object pool cache with the retrieved initial states (See col. 8, lines 49-67).

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13. As per claim 24, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed fails to teach wherein each client profile comprises at least one client folder, each client folder comprising data indicating at least one subscribed data stream and containing object rules associated with the subscribed data stream; the client session being configured to evaluate the object rules associated with the particular input data stream for each folder in the client profile indicating a subscription to that stream.

Martone et al teaches wherein each client profile comprises at least one client folder, each client folder comprising data indicating at least one subscribed data stream and containing object rules associated with the subscribed data stream; the client session being configured to evaluate the object rules associated with the particular input data stream for each folder in the client profile indicating a subscription to that stream (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein each client profile comprises at least one client folder, each client folder comprising data indicating at least one subscribed data stream and containing object rules associated with the subscribed data stream; the client session being configured to evaluate the object rules associated with the particular input data stream for each folder in the client profile indicating a subscription to that stream as taught by Martone et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed in order to track what information has been presented to clients (See page 1, paragraph [0012]).

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14. As per claim 25, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches receiving requests for the current state of a set of data objects from a requestor; obtain current state information for the data objects in the set; and return the current state information to the requestor (See col. 7, lines 19-25).

15. As per claim 26, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches the object state manager is configured to request from the state dispatch module a current state of a set of data objects carried on a connected input data stream upon first connecting to that input data stream; the returned current state information being used to initialize the respective object cache for the object state manager (See col. 16, lines 28-43).

16. As per claim 28, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the state dispatch module is connected to at least one offer pool maintained by a transmitter of the data streams received object state managers and configured to obtain current state information from an appropriate offer pool (See col. 6, lines 45-56).

17. As per claim 30, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches wherein the data objects comprise information related to financial product offerings (See col. 6, lines 35-45).

18. As per claim 34, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches an information manager receiving raw object data streams from at least one content provider and generating the input data streams (See col. 4, lines 55-67).

19. As per claim 35, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein each information manager further comprises a structured object pool containing a current state of the data objects carried on the input data streams, the object events on the input data streams representing differential changes to the state of particular data objects (See col. 16, lines 28-36).

20. As per claim 36, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the data objects carried on a particular input data stream are of a common type (See col. 6, lines 30-35).

21. As per claim 43, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches a state dispatch module in communication with the information manager and the object caches associated with the object state managers and configured to receive a state data request as input

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from a requester, retrieve the current states of particular product offerings in accordance with the request, and return the current states to the requestor (See col. 8, lines 50-67).

22. As per claim 44, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the object state manager is further configured to, upon first connecting to the respective input data stream, send a request to the state dispatch module to obtain the current states of product offerings carried on the respective data stream, the obtained currents states being used to initialize the associated object cache (See col. 16, lines 28-40).

23. As per claim 45, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. Furthermore, Lewis teaches wherein the client manager is further configured to send a request to the state dispatch module to obtain the current states of product offerings carried on input data streams to which the new client is subscribed and initiate the return of at least a portion of the obtained current states to the new client (See col. 8, lines 50-67).

24. As per claim 46, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed fails to teach identifying an unconnected data stream specified in the client profile associated with the new client; and initiate a connection to the unconnected data stream from a new object state manager.

Martone et al teaches identifying an unconnected data stream specified in the client profile associated with the new client; and initiate a connection to the unconnected data stream from a new object state manager (See page 3, paragraph [0072-0074]).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate identifying an unconnected data stream specified in the client profile associated with the new client; and initiate a connection to the unconnected data stream from a new object state manager as taught by Martone et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed in order to track what information has been presented to clients (See page 1, paragraph [0012]).

5. Claims 13 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over 6,513,019 to Lewis in view of in view U.S. Patent No. 6708166 to Dysart et al further in view of U.S. Patent Application No. 2005/0004978 to Reed et al and further in view of U.S. Patent Application No 2002/0138389 to Martone et al as applied to claim as applied to claim 1 above, and further in view of U.S. Patent No. 6,708, 213 to Bommaiah et al.

1. As per claim 13, Lewis in view Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis Dysart et al further in view of Reed and further in view of Martone et al fails to teach monitoring the performance of communication with each connected client; and dynamically adjusting the rate at which client events are transmitted to the respective clients in response to the monitored performance.

Bommaiah et al teaches a method for streaming multimedia information over public networks. Furthermore, Bommaiah et al teaches monitoring the performance of communication with each connected client; and dynamically adjusting the rate at which client events are transmitted to the respective clients in response to the monitored performance (See col. 3, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate monitoring the performance of communication with each connected client; and dynamically adjusting the rate at which client events are transmitted to the respective clients in response to the monitored performance as taught by Bommaiah et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al in order to reduce start-up latency (See col. 3, lines 1-5).

2. As per claim 14, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al fails to teach wherein the step of monitoring the performance of communication with each connected client comprises determining network transmission time and a client processing time for received client events.

Bommaiah et al teaches a method for streaming multimedia information over public networks. Furthermore, Bommaiah et al the step of monitoring the performance of communication with each connected client comprises determining network transmission time and a client processing time for received client events.

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the step of monitoring the performance of communication with each connected client comprises determining network transmission time and a client processing time for received client events as taught by Bommaiah et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al in order to reduce start-up latency (See col. 3, lines 1-5).

3. As per claim 19, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al fails to teach wherein: at least one of the client session and the push module are configured to monitor the performance characteristics for communications with the respective client and dynamically determine a rate at which client events should be transmitted in response to the monitored characteristics; the push module being configured to send client events to the respective client at the dynamically determined rate.

Bommaiah et al teaches wherein: at least one of the client session and the push module are configured to monitor the performance characteristics for communications with the respective client and dynamically determine a rate at which client events should be transmitted in response to the monitored characteristics; the push module being configured to send client events to the respective client at the dynamically determined rate (See col. 3, lines 1-6).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate wherein: at least one of the client session and the push module are

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configured to monitor the performance characteristics for communications with the respective client and dynamically determine a rate at which client events should be transmitted in response to the monitored characteristics; the push module being configured to send client events to the respective client at the dynamically determined rate as taught by Bommaiah et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al in order to reduce start-up latency (See col. 3, lines 1-5).

4. As per claim 20, Lewis teaches wherein the performance characteristics comprise network transmission time and a client processing speed time for received client events (See col. 6, lines 30-55).

6. Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over 6,513,019 to Lewis in view of U.S. Patent No. 6708166 to Dysart et al further in view of U.S. Patent Application No. 2005/0004978 to Reed et al and further in view of U.S. Patent Application No 2002/0138389 to Martone et al as applied to claim as applied to claim 40 above, and further in view of U.S. Patent No. 6,571,274 to Jacobs et al.

1. As per claim 33, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al teaches the claimed invention as described above. However, Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al et al fails to teach an HTTP Tunneling transport module connected between the delivery manager and the respective client.

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Jacobs et al teaches an HTTP Tunneling transport module connected between the delivery manager and the respective client (See col. 4, lines 44-50)

It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate an HTTP Tunneling transport module connected between the delivery manager and the respective client taught by Jacobs et al in the claimed invention of Lewis in view of Dysart et al further in view of Reed and further in view of Martone et al in order transfer messages (See col. 8, lines 48-52).

Allowable Subject Matter

7. Claims 8-12, 18, 21-23, 38-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Djenane M. Bayard whose telephone number is (571) 272-3878. The examiner can normally be reached on Monday- Friday 5:30 AM- 3:00 PM..


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571) 272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Djenane Bayard

Patent Examiner


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER